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20480 7590 03/12/2009 STEVEN L. NICHOLS RADER, FISHMAN & GRAUER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095				
EXAMINER PARRY, CHRISTOPHER L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/826,198

Applicant(s)

BESSEL, DAVID H.

Examiner

CHRIS PARRY

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-11 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7-11 and 28-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 5, 7-11 and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 1 and 28 are objected to because of the following informalities: On line 8 of claim 1, "demultiplexer" should be --demultiplexer--. This same error is found on line 9 of Claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 7-11, and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art "AAPA" (figure 1; pages 1-5) in view of Krapf (USPN 6,483,986) [of record].

Regarding Claim 1, AAPA discloses a television signal processing and recording system (figure 1) for handling both digital and analog video signals (pages 3-4; ¶ 16), said system comprising:

an analog signal path (i.e., signal output from tuner 101) comprising an analog tuner (101 – figure 1), a video decoder (109 – figure 1) for converting an analog signal to a digital signal (page 4, ¶ 18), and an encoder (105 – figure 1) for compressing said digital signal output by said video decoder [109] (page 4, ¶ 18);

a digital signal path (i.e., signal output from tuner 102) comprising a digital tuner (102 – figure 1) and a demultiplexer (103 - figure 1) (page 4, ¶ 19); and

wherein said demultiplexer outputs a demultiplexed signal to either a decoder (104 – figure 1) with output to a display device (106 – figure 1) or a digital data storage device (107 – figure 1) (page 4, ¶ 19).

AAPA further discloses after analog signal is decoded by decoder 109, the signal can be sent to television 106 for display or the signal can be forwarded to be compressed by MPEG2 encoder 105, where the signal is output to and recorded on a hard disk drive 107 (see page 4, ¶ 18). AAPA fails to specifically disclose a connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer.

In an analogous art, Krapf discloses a television signal processing and recording system (figure 1) comprising:

an analog signal path (i.e., PVR 2 receives streaming video data in the format of NTSC) comprising a video decoder (82/84 – figure 3) for converting an analog signal to a digital signal (i.e., 82/84 must first convert the received analog signal into a digital signal before encoder 84 can compress the signal), and an encoder (84 – figure 3) for compressing said signal (Col. 7, lines 21-55);

a digital signal path comprising a demultiplexer (86 – figure 3) (i.e., stream controller 86 receives digital video from encoder 84 and passes the data through to decoder 88 or to HDD 8) (Col. 3, line 47 to Col. 4, line 3; Col. 4, lines 27-38; and Col. 7, lines 56-64); and

a connection (i.e., the connection between encoder 84 and stream controller 86) for routing said compressed digital signal from said encoder [84] of said analog signal path to said demultiplexer [86] (i.e., encoder 84 receives the streaming video data, in NTSC format, and compresses the streaming video data and outputs the signal to stream controller 86) (Col. 7, lines 46-57);

wherein said demultiplexer outputs a demultiplexed signal to either a decoder (88 – figure 3) with output to a display device (4 – figure 1) or a digital data storage device (8 – figure 3) (Col. 7, lines 46-67; Col. 3, line 65 to Col. 4, line 3; & Col. 4, lines 27-37).

Krapf discloses in the method of figure 2, if the viewer selects a channel to watch, the PVR 2 receives the streaming data and passes it through to display 4. Thus referring to figure 3, encoder 84 would received the signal from STB 24 and pass the signal to stream controller 86 or "demultiplexer" and then decoder 88 would received the signal from stream controller 86 in order to format the signal for display (Col. 3, line 65 to Col. 4, line 3). Alternatively, Krapf discloses the user may choose to view alternative subject matter 14 which triggers the recording of live TV and then stream controller 86 or "demultiplexer" would then provide the signal to HDD 8 for recording (Col. 4, lines 27-37 and Col. 7, lines 56-64).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify AAPA to include a connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer as taught by Krapf to facilitate combining prior art elements according to known methods to yield predictable results of efficiently routing signals through a system that provides output to a television set and a recording device.

As for Claim 5, AAPA and Krapf disclose, in particular AAPA teaches wherein said digital data storage device (107 – figure 1) is a hard disk drive (pages 3-4, ¶ 16-19).

As for Claim 7, AAPA and Krapf disclose, in particular AAPA teaches wherein said encoder [105] is an MPEG2 encoder (page 4, ¶ 18, see also figure 1).

As for Claim 8, AAPA and Krapf disclose, in particular AAPA teaches wherein said decoder [104] is an MPEG2 decoder (page 4, ¶ 19, see also figure 1).

As for Claim 9, AAPA and Krapf disclose, in particular Krapf teaches wherein said video decoder [82/84], encoder [84], connection and decoder [88] are incorporated in a set-top box (24 - figure 1) (i.e., STB 24 and PVR 2 may be combined into a signal unit; Col. 6, lines 29-32).

As for Claim 10, AAPA and Krapf disclose, in particular Krapf teaches wherein said digital data storage device [8] is incorporated in a personal video recorder (2 – figures 1 and 3) (Col. 6, line 65 to Col. 7, line 9).

As for Claim 11, AAPA and Krapf disclose, in particular Krapf teaches wherein said video decoder [82/84], encoder [84], connection, decoder [88] and digital data storage device [8] are incorporated in a single set-top unit (24 – figure 1) (i.e., STB 24 and PVR 2 may be combined into a signal unit; Col. 6, lines 29-32).

Regarding Claim 28, AAPA discloses a method for handling both digital and analog video signals (pages 3-4; ¶ 16), said method comprising:

processing analog signals, when input, in an analog signal path (i.e., signal output from tuner 101) comprising an analog tuner (101 – figure 1), a video decoder (109 – figure 1) for converting an analog signal to a digital signal (page 4, ¶ 18), and an encoder (105 – figure 1) for compressing said digital signal output by said video decoder [109] (page 4, ¶ 18);

processing digital signals, when input, in a digital signal path (i.e., signal output from tuner 102) comprising a digital tuner (102 – figure 1) and a demultiplexer (103 – figure 1) (page 4, ¶ 19); and

with said demultiplexer, selectively outputting a signal to either a decoder (104 – figure 1) with output to a display device (106 – figure 1) or a digital data storage device (107 – figure 1) (page 4, ¶ 19).

AAPA further discloses after analog signal is decoded by decoder 109, the signal can be sent to television 106 for display or the signal can be forwarded to be compressed by MPEG2 encoder 105, where the signal is output to and recorded on a hard disk drive 107 (see page 4, ¶ 18). AAPA fails to specifically disclose routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer.

In an analogous art, Krapf discloses a method comprising:

processing analog signals, when input, in an analog signal path (i.e., PVR 2 receives streaming video data in the format of NTSC) comprising a video decoder (82/84 – figure 3) for converting an analog signal to a digital signal (i.e., 82/84 must first convert the received analog signal into a digital signal before encoder 84 can compress the signal), and an encoder (84 – figure 3) for compressing said signal (Col. 7, lines 21-55);

processing digital signals, when input, in a digital signal path comprising a demultiplexer (86 – figure 3) (i.e., stream controller 86 receives digital video from encoder 84 and passes the data through to decoder 88 or to HDD 8) (Col. 3, line 47 to Col. 4, line 3; Col. 4, lines 27-38; and Col. 7, lines 56-64); and

routing said compressed digital signal from said encoder [84] of said analog signal path to said demultiplexer [86] (i.e., encoder 84 receives the streaming video data, in NTSC format, and compresses the streaming video data and outputs the signal to stream controller 86) (Col. 7, lines 46-57);

with said demultiplexer, selectively outputting a signal to either a decoder (88 – figure 3) with output to a display device (4 – figure 1) or a digital data storage device (8 – figure 3) (Col. 7, lines 46-67; Col. 3, line 65 to Col. 4, line 3; & Col. 4, lines 27-37).

Krapf discloses in the method of figure 2, if the viewer selects a channel to watch, the PVR 2 receives the streaming data and passes it through to display 4. Thus referring to figure 3, encoder 84 would received the signal from STB 24 and pass the signal to stream controller 86 or "demultiplexer" and then decoder 88 would received the signal from stream controller 86 in order to format the signal for display (Col. 3, line 65 to Col. 4, line 3). Alternatively, Krapf discloses the user may choose to view alternative subject matter 14 which triggers the recording of live TV and then stream controller 86 or "demultiplexer" would then provide the signal to HDD 8 for recording (Col. 4, lines 27-37 and Col. 7, lines 56-64).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify AAPA to include routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer as taught by Krapf to facilitate combining prior art elements according to known methods to yield predictable results of efficiently routing signals through a system that provides output to a television set and a recording device.

As for Claim 29, AAPA and Krapf disclose, in particular AAPA teaches wherein said digital data storage device (107 – figure 1) is a hard disk drive (pages 3-4, ¶ 16-19).

As for Claim 30, AAPA and Krapf disclose, in particular AAPA teaches wherein said encoder [105] is an MPEG2 encoder (page 4, ¶ 18, see also figure 1).

As for Claim 31, AAPA and Krapf disclose, in particular AAPA teaches wherein said decoder [104] is an MPEG2 decoder (page 4, ¶ 19, see also figure 1).

As for Claim 32, AAPA and Krapf disclose, in particular Krapf teaches wherein said video decoder [82/84], encoder [84], connection and decoder [88] are incorporated in a set-top box (24 - figure 1) (i.e., STB 24 and PVR 2 may be combined into a signal unit; Col. 6, lines 29-32).

As for Claim 33, AAPA and Krapf disclose, in particular Krapf teaches wherein said digital data storage device [8] is incorporated in a personal video recorder (2 – figures 1 and 3) (Col. 6, line 65 to Col. 7, line 9).

As for Claim 34, AAPA and Krapf disclose, in particular Krapf teaches wherein said video decoder [82/84], encoder [84], connection, decoder [88] and digital data storage device [8] are incorporated in a single set-top unit (24 – figure 1) (i.e., STB 24 and PVR 2 may be combined into a signal unit; Col. 6, lines 29-32).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
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